



Lincoln-Lancaster County
Health Department

Lincoln-Lancaster County Health Department

Environmental Public Health Division

Air Quality Program

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Guidance for Owners/Managers of Outdoor Smoking Areas to Comply with the Nebraska Clean Indoor Air Act

What is the purpose of the Nebraska Clean Indoor Air Act?

- The Nebraska Legislature established the [Nebraska Clean Indoor Air Act \(NCIAA\) of 2008](#), which required indoor workplaces in Nebraska to be smoke-free as of June 1, 2009. The purpose of the NCIAA is to protect the public health and welfare by prohibiting smoking in public places and places of employment. The NCIAA eliminated smoking in enclosed indoor workspaces including restaurants, bars, keno establishments, other workplaces (retail/office space, manufacturing, etc.) and indoor public places.

What constitutes an 'outdoor smoking area'?

- 'Outdoor smoking areas' are designated areas provided to patrons and/or employees for the purpose of smoking in a semi-enclosed, sheltered space. These areas are characterized as having a full or partial roof/ceiling, and also having at least 20% of the total wall area (in square feet) open to the outdoors. Smoking areas with less than 20% open space are considered 'indoor areas', in which smoking is prohibited. For areas with walls in excess of eight feet tall, only the first eight feet of the wall's height is used to calculate the 'total wall area' upon which the 20% requirement is based.
- Any obstructions in the open space, such as signs, posts, lattice, fencing, etc. must be calculated and subtracted from the calculated open space, as these obstructions impede airflow and reduce the square footage of open space provided to the outdoors.
- The open space provided to the outdoors must also be permanent and non-closeable. This means that any open space provided through a door, window, garage door, or other closeable opening cannot be counted toward the square footage of open space provided to the outdoors.

How do I know if my smoking area is in compliance with the NCIAA?

- If your smoking area has no roof or ceiling, or similar overhead covering, then it is in compliance with the NCIAA, as it would not be considered an 'indoor area'.
- If your smoking area does have a full or partial roof, and has any full or partial walls, then it is recommended that you use this guidance document to determine whether your smoking area is in compliance with the NCIAA.

What is the purpose of this document, and when do I need to submit it?

- The purpose of this form is to help you determine if your smoking area is in compliance with the NCIAA. This is only a guidance document, and you do not need to sign or submit this to any Department. However, the LLCHD Air Quality Program does have an 'Outdoor Smoking Area – Calculation Sheet and Check List' available on the [LLCHD Air Quality Program Forms and Applications Page](#) that you can use in conjunction with this guidance document to help you perform calculations demonstrating compliance with the NCIAA.

Where can I get more information on the NCIAA?

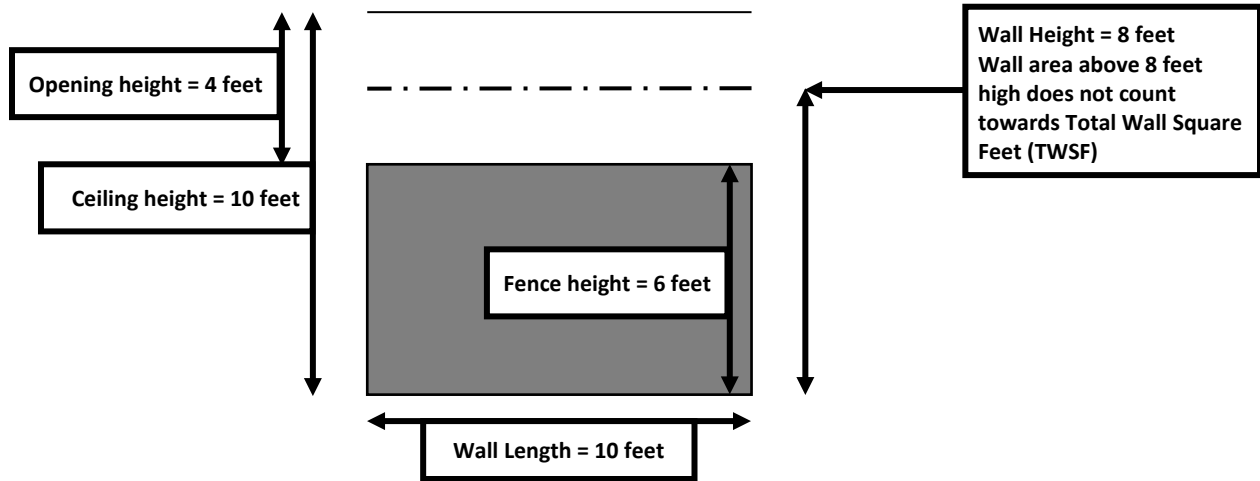
- The [Nebraska Department of Health and Human Services NCIAA page](#) has many resources that you may find useful.
- You can also find more information on the NCIAA and the 'Lincoln Smoking Regulation Act' (Lincoln Municipal Code 8.50) on the [LLCHD's Indoor Air Quality page](#).

If you have any questions about this law, please call the LLCHD Air Quality Program at (402) 441-8040.

**THE FOLLOWING PAGES CONTAIN EXAMPLES OF HOW TO CALCULATE THE OPEN SPACE FOR WALLS
IN AN OUTDOOR SMOKING AREA.**

Example #1

For this example, there is a 6 foot tall privacy fence (wall) enclosing the outdoor area on three sides, with the fourth side being adjacent to the proprietor's building. The ceiling is 10 feet high, and each wall is 10 feet long. The available open space provided for compliance is located between the 6-foot tall fence, and the 10-foot tall ceiling. Because one wall is adjacent to the existing building, that wall shall be considered totally enclosed.



Calculating Total Wall Square Footage (TWSF)

Each wall = 8 ft. high × 10 ft. long = 80 sq. ft.

All walls = 80 sq. ft. × 4 walls = 320 sq. ft.

TWSF = 320 sq. ft.

Calculating Required Permanent Open Space (RPOS)

RPOS = 320 sq. ft. × 0.20 (20%) = **64 sq. ft.**

Measuring Permanent Open Space Present (POSP)

Each non-adjacent wall (3 walls) = 4 ft. high × 10 ft. long = 40 sq. ft. open space per wall

POSP = 40 sq. ft. × 3 walls = **120 sq. ft. total permanent open space**

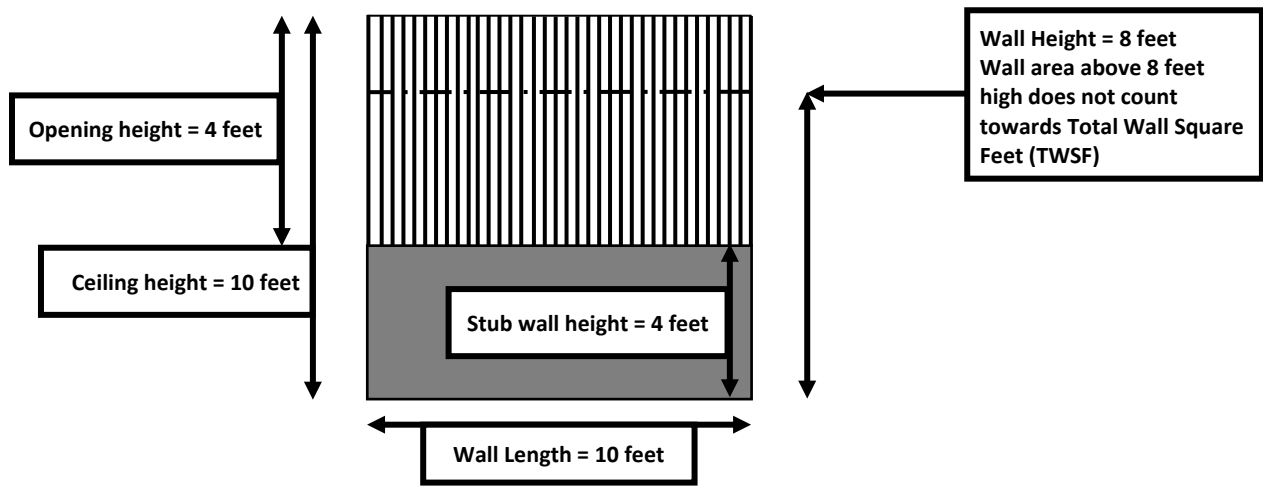
POSP = 120 sq. ft.

Conclusion: This outdoor smoking area contains 120 square feet of open space, which is greater than the required 64 sq. ft.

Therefore, this outdoor smoking area is in compliance.

Example #2

For this example, there is a stand-alone smoking area with 4-foot walls enclosing the outdoor area. The open space contains security bars 2 inches apart, ½ inch wide, and 8 ft high to the ceiling. Each wall is 10 feet long.



Calculating Total Wall Square Footage (TWSF)

Each wall = 8 ft. high × 10 ft. long = 80 sq. ft.

All walls = 80 sq. ft. × 4 walls = 320 sq. ft.

TWSF = 320 sq. ft.

Calculating Required Permanent Open Space (RPOS)

RPOS = 320 sq. ft. × 0.20 (20%) = **64 sq. ft.**

Measuring Permanent Open Space Present (POSP)

Each wall opening = 6 ft. tall × 10 ft. wide = 60 sq. ft.

All wall openings = 60 sq. ft. per wall × 4 walls = 240 sq. ft.

Minus Obstructions from Security Bars

Security bars = 2 inches apart = 6 bars per foot = 60 bars in each wall opening

0.5 in wide = 0.042 feet wide

0.042 ft. wide × 6 ft. tall × 60 bars = 15.12 sq. ft. blockage in each wall opening

15.12 sq. ft. × 4 walls = 60.48 sq. ft. blockage in all 4 wall openings combined

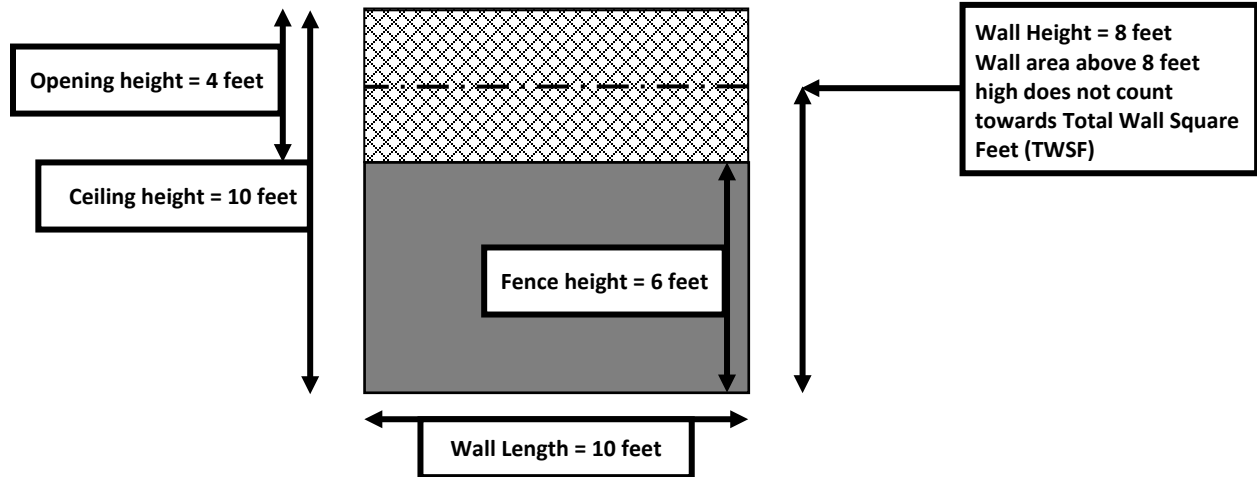
POSP = 240 sq. ft. – 60.48 sq. ft. (security bars) = **179.52 sq. ft. total permanent open space**

Conclusion: This outdoor smoking area contains approximately 180 square feet of permanent open space (POSP), which is greater than the required 64 sq. ft. (RPOS).

Therefore, this outdoor smoking area is in compliance.

Example #3

For this example, there is a 6 foot privacy fence (wall) enclosing the outdoor area on three sides, with the fourth side being adjacent to the proprietor's building. The ceiling is 10 feet high, and each wall is 10 feet long. The available open space provided for compliance is located between the 6-foot tall fence, and the 10-foot tall ceiling, but the open space is obstructed by decorative lattice. Calculations have shown that this particular lattice-work obstructs 50% of the open space. Because one wall is adjacent to the existing building, that wall shall be considered totally enclosed.



Calculating Total Wall Square Footage (TWSF)

Each wall = 8 ft. high \times 10 ft. long = 80 sq. ft.

All walls = 80 sq. ft. \times 4 walls = 320 sq. ft.

TWSF = 320 sq. ft.

Calculating Required Permanent Open Space (RPOS)

RPOS = 320 sq. ft. \times 0.20 (20%) = **64 sq. ft.**

Measuring Permanent Open Space Present (POSP)

Each wall opening = 4 ft. tall \times 10 ft. wide = 40 sq. ft.

All wall openings = 40 sq. ft. per wall \times 3 walls = 120 sq. ft.

Minus Obstructions from Lattice

Lattice = 50% obstruction

120 sq. ft. open \times 0.50 (50% obstruction) = 60 sq. ft. obstruction

POSP = 120 sq. ft. $-$ 60.0 sq. ft. (lattice) = **60.0 sq. ft. total permanent open space**

Conclusion: This outdoor smoking area contains 60 square feet of permanent open space (POSP), which is less than the required 64 sq. ft. (RPOS).

Therefore, this outdoor smoking area is out of compliance. The owner/manager would be required to identify steps needed to make the area compliant.